SBCivil Writ Petition No.3612/2003

Mahiram Bishnoi
Vs.
State of Rajasthan & Ors.

Date of Order :: 1st August, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. D.S.Rajvi, for the petitioner.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

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The petitioner was selected for appointment as Para Teacher in Gram Panchayat Mithadiya and he was sent to undertake requisite training at Government Primary School, Railway Lines, Kolayat. After acquiring training, appointment was not accorded to the petitioner in pursuant to an order dated 7.6.2002 passed by Panchayati Raj Department, Government of Rajasthan Jaipur. By the order aforesaid an instruction was given to all the authorities concerned that no appointment be made to the post of Para Teacher against the vacancies to that reservation clause under the DO dated 30.4.2001 applies as Division Bench of Hon'ble Rajasthan High Court in DBCivil Appeal No.1659/2002, Ravindra Singh v. State, passed an interim order in this regard. Being aggrieved by the same the petitioner preferred this writ petition.

The contention of the petitioner is that Government of Rajasthan order dated 7.6.2002 is having no application for Gram Panchayat, Mithadiya where the petitioner is to be employed as the post available does not pertain to reserve category.

A reply to the writ petition has been filed on behalf of the respondents stating therein that Division Bench of this Court in the case of Ravindra Singh (supra) passed an interim order in the terms that clause related to reservation in DO dated 30.4.2001 reserving the appointment to the post of Para Teachers in the same clause for which elected post of Sarpanch is reserved shall remain stayed until further orders. The Government for compliance of the interim directions passed by Division Bench of this Court decided not to fill in the vacancies pertaining to the Para Teachers under reserved categories.

Heard counsel for the parties.

It is the position admitted that Gram Panchayat where the petitioner is to be employed does not pertain to reserved categories. The Sarpanch of Gram Panchayat Mithadiya is from general category and, therefore, the order dated 7.6.2002 as well as the interim order passed by this Court in the case of Ravindra Singh (supra) is having no application with regard to appointment in Gram Panchayat Mithadiya.

Accordingly, this petition for writ is allowed. The respondents are directed to appoint the petitioner as Para Teacher from the date of his selection as such in Gram Panchayat Mithadiya.

(GOVIND MATHUR),J.

kkm/ps.